

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
March 8, 2016
7:10 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Alex Berger III, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Absent: Cynthia Garnholz, Joanne Boulton, and Rich Lintz.

Alderman Berkowitz moved to approve the February 23, 2016 minutes as modified. Alderman Berger seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

Mayor Sanger opened the public hearing and requested proof of publication.

A PUBLIC HEARING AND ORDINANCE REPEALING ORDINANCE NO. 6343 AND RELATED ORDINANCES AND APPROVING AN AMENDED PLANNED UNIT DEVELOPMENT FOR 8025 BONHOMME AVENUE (CLAYTON ON THE PARK)

City Manager Owens reported that This is a public hearing to consider an ordinance repealing Ordinance No. 6343, adopted October 14, 2014, and related prior ordinances regulating the use of the property at 8025 Bonhomme Avenue (Clayton on the Park) to allow additional apartment units on the third floor and to allow a mix of uses on the second floor of the subject building.

Mark A. Rubin, representing COTP, LLC, property owner, is requesting an amendment to the Planned Unit Development Ordinance to allow the conversion of existing third floor amenity space to apartment units and to allow the portion of the second floor that is not used for restaurant space to be used as commercial/office or retail, at the property owner's discretion. The rooftop and a portion of the first floor will remain amenity space.

The current Planned Unit Development (PUD) ordinance for this property states that the "*residential component not contain more than two hundred eight (208) rental apartment units (including extended stay units and 2 guest suites)...*" the "*commercial component, located on the first floor, not exceed three thousand square feet.*" It also states "*That the restaurant component, located on the second floor, not exceed eight thousand (8,000) square feet (including outdoor dining area).*" The property owner has indicated that they have a plan in place to add eight more residential units on the third floor, but would like the opportunity to add an additional four units in

the future. Additionally, the new restaurant will occupy approximately 4,000 square feet of the second floor and the owners would like the flexibility to allow the remaining floor area to be used as office or retail, at their discretion. Recommendation is to approve the ordinance.

Mark Rubin, Koman Group, provided a PowerPoint presentation to the Board. They are proposing to add units on the third floor.

In response to Mayor Sanger's question, Mr. Rubin confirmed that the new commercial space is the area where the former nightclub was located. The apartments will be located on the third floor where the gym is currently located.

Mr. Rubin noted that they are working on a new capital improvement program that will affect floors 1-3 and the rooftop.

Mr. Rubin requested that an addition be included in the ordinance under item #C6. *"That the commercial component not exceed seven thousand (7,000) square feet;"* adding "to not include the restaurant space."

City Attorney O'Keefe asked for clarification and suggested that the ordinance reads as follows: 6. *That the commercial component not exceed seven thousand (7,000) square feet, not including the restaurant space;*

Mayor Sanger closed the public hearing.

Alderman Winings introduced Bill No. 6544, as amended in Section 1, C6 to insert "not including the restaurant space" an ordinance to amend the Planned Unit Development for 8025 Bonhomme Avenue to be read for the first time by title only. Alderman Berger seconded.

City Attorney O'Keefe reads Bill No. 6544, an Ordinance Repealing Ordinance No. 6343 and Prior Related Ordinances and approving an Amended Planned Unit Development for the Clayton on the Park Property at 8025 Bonhomme Avenue, Subject to the Requirements Set Forth in the Code of Ordinances of The City of Clayton, Missouri; and Other Actions Related Thereto for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Winings moved that the Board give unanimous consent to consideration for adoption of Bill No. 6544 on the day of its introduction. Alderman Berger seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6544, an ordinance to amend the Planned Unit Development for 8025 Bonhomme Avenue as amended to be read for the second time by title only. Alderman Berger seconded.

City Attorney O'Keefe reads Bill NO. 6544, an Ordinance Repealing Ordinance No. 6343 and Prior Related Ordinances and approving an Amended Planned Unit Development for the Clayton on the Park Property at 8025 Bonhomme Avenue, Subject to the Requirements Set Forth in the Code of Ordinances Of The City of Clayton, Missouri; and Other Actions Related Thereto for the second time by title only.

Alderman Winings – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6416 of the City of Clayton.

AN ORDINANCE TO CONSIDER AN AMENDMENT TO THE NON-UNIFORMED EMPLOYEES' RETIREMENT PLAN

City Manager Owens explained that this is an ordinance related to an amendment to the Non-Uniformed Employees Retirement Plan. The ordinance includes two changes to the City Code relating to Non-Uniformed Employees' Pension Plan. First, establishes the Board of Aldermen as the body which is responsible for the Plan's Investment Policy; second change amends the Plan to provide for an improved calculation of the optional forms of benefit of the Plan. Both of the changes have been recommended by the Board of Trustees and it is staff's recommendation for the Board to approve. There were some previous questions that may require more discussion before approving.

Alderman Berger stated that with tonight's absence of Alderman Boulton he requests that the Board postpone the conversation since she is an active member of the Retirement Board and he values her perspective.

Alderman Berger moved to table Bill No. 6545 until the next meeting. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER APPROVING AND REVISING THE INVESTMENT POLICY STATEMENT FOR THE NON-UNIFORMED EMPLOYEE'S PENSION PLAN

Alderman Berger moved to table Resolution No. 6545 until the next meeting. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

ORDINANCE APPROVING ON-CALL CONTRACTS WITH ENGINEERING CONSULTANTS

City Manager Owens reported that over the past two months, the Public Works Department reviewed qualifications and selected consultants for open-ended on-call contracts. This process last took place in the fall of 2013. Fifty (50) consultants were invited to submit proposals in any of the following areas: Streetscape, Lighting, and Landscape Architecture (12 submittals); Roads, Alleys, Sidewalks, and ADA compliance (22 submittals); Traffic, Signals, and Intersections (13 submittals); Public Facilities (9 submittals); Stormwater Management and Low Impact Development (19 submittals); Geotechnical Engineering and Materials Testing (7 submittals); Surveying (13 submittals); Project Management (14 submittals). Using criteria established by state statute, engineering staff independently reviewed and scored each submittal. Staff then discussed their evaluations and ultimately selected three consultants in each area of expertise to serve as on-call consultants for the next three years. Three consultants are selected in order to provide flexibility to meet aggressive project schedules and to ensure the best fit between the proposed project and the design consultant. The Board was provided with a listing of the consultants selected in each category, and a sample copy of the on-call contract in their packet.

Alderman Winings introduced Bill No. 6546, an ordinance to approve contracts with engineering consultants for on-call services to be read for the first time by title only. Alderman Berger seconded.

City Attorney O'Keefe read Bill No. 6546, an Ordinance Approving On-Call Contracts with Engineering Consultants for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Winings moved that the Board give unanimous consent to consideration for adoption of Bill No. 6546 on the day of its introduction. Alderman Berger seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6546, an ordinance to approve contracts with engineering consultants for on-call services to be read for the second time by title only. Alderman Berger seconded.

City Attorney O'Keefe read Bill No. 6546, an Ordinance Approving On-Call Contracts with Engineering Consultants for the second time by title only.

Alderman Winings – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6417 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH CUNNINGHAM ASSOCIATES TO CONSTRUCT A PLAYGROUND IN TAYLOR PARK

City Manager Owens reported that a priority project identified in the Parks and Recreation Master Plan is the replacement of existing playgrounds throughout the City of Clayton. The City applied for and received a St. Louis County Municipal Parks Grant for replacement of the playground at Taylor Park as well as other park improvements. The project will include ADA improvements to the trail, lighting and electrical improvements, new site furnishings and new sod with improved irrigation.

Presentations were heard from four vendors, Hutchinson Recreation, All Inclusive Recreation, Landscape Structures and Cunningham Associates. Cunningham Associates was selected as the best team and the final design was developed in consultation with city staff. Cunningham Associates participates in US Communities Government Purchasing Alliance, a nationwide purchasing cooperative designed to be a procurement resource for local and state government agencies, school districts (K-12), higher education and nonprofits. As a result, they have provided a lump sum bid for this project, factoring in a 35% discount from the normal price of their products.

The project scope includes the playground equipment and installation; surfacing material and installation; and site work and installation of miscellaneous items including shades, fence and benches. The Parks & Recreation Commission has reviewed the design and is in support of this project. The project is scheduled to commence in May and be completed by August 15, 2016.

Funding for this project will come from a St. Louis County Municipal Park Grant as well as funds from the City's Capital Budget. The Clayton Century Foundation is currently working to secure private donations towards this project which will help to defray the cost to the City; however, the full cost of the playground components will be borne by the grant proceeds. The total cost of the playground and the installation of it will be \$235,345.98. It is recommended that we include a contingency of \$20,000 to be used to cover expenditures to correct unknown issues that become apparent during the project.

Recommendation is to approve the resolution authorizing the execution of a contract with Cunningham Associates in the amount of \$235,345.98, plus a contingency of \$20,000 for the Playground at Taylor Park.

Alderman Berger expressed his thanks to the Director of Parks and Recreation and her staff for creating a citizen's group that also played a role in the assessment of the overall project and gave insight and evaluation for a selection. It was very creative and a valued addition to the process.

Alderman Winings introduces Bill No. 6547 an ordinance to approve a a contract with Cunnigham Associates for the construction of the Taylor Park Playground to be read for the first time by title only. Alderman Berger seconded.

City Attorney O’Keefe reads Bill No. 6547, an Ordinance Approving a Contract with Cunningham Associates for the Construction of a Playground in Taylor Park for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Winings moved that the Board give unanimous consent to consideration for adoption of Bill No. 6547 on the day of its introduction. Alderman Berger seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduces Bill No. 6547 an ordinance to approve a contract with Cunnigham Associates for the construction of the Taylor Park Playground to be read for the second time by title only. Alderman Berger seconded.

City Attorney O’Keefe reads Bill No. 6547, an Ordinance Approving a Contract with Cunningham Associates for the Construction of a Playground in Taylor Park for the second time by title only.

Alderman Winings – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6418 of the City of Clayton.

There being no further business the meeting was adjourned at 7:26 p.m.

Mayor

ATTEST:

City Clerk